

# **Draft Supplemental Environmental Impact Report**

## **W.G. Jones Residence Demolition Project**

Redevelopment Agency  
Special Use Permit (RSP 03-004)

SCH# 2003112098

Prepared by:

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**March 2004**

March 5, 2004

Ladies and Gentlemen:

**SUBJECT: DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
FOR THE SPECIAL USE PERMIT FOR THE W.G. JONES RESIDENCE  
DEMOLITION PROJECT (FORMERLY 126 VIOLA), FILE NO. RSP03-004  
- STATE CLEARINGHOUSE NO. 2003112098**

The Planning Commission of the City of San Jose will hold a Public Hearing to consider the Draft Supplemental Environmental Impact Report (DSEIR) prepared for the project described below. A copy of the DSEIR is attached for your review.

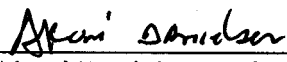
Your comments regarding the significant environmental effects of this project and the adequacy of the DSEIR are welcome. Written comments, submitted to the Department of Planning, Building and Code Enforcement by 5:00 p.m., April 5, 2004, will be included in the DSEIR and be considered by the Planning Commission at this public hearing. *If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration.* If we receive no comments (nor a request for an extension of time) from you by the specified date, we will assume you have none to make.

**Project Description and Location:** *Special Use Permit (RSP03-004)* to allow demolition of the W.G. Jones Residence, a structure listed on the City of San Jose Historic Resources Inventory as a Structure of Merit, formerly located at 126 Viola Avenue, currently located at the northwest corner of Almaden Boulevard and Woz Way. Council District 3

**Tentative Hearing Date:** April 28, 2004

**Contact Person:** Teresa Estrada  
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San Jose, CA 95110-1795

Sincerely,

  
Akoni Daniels, Principal Planner

Attachment

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## Chapter 1

# Introduction

This environmental impact report (EIR), prepared in conformance with the California Environmental Quality Act (CEQA), is a project-specific supplemental EIR (SEIR) which provides objective information regarding the environmental consequences of the proposed the demolition of the structure formerly located at 126 Viola Avenue in Downtown San Jose, that is also identified in historic reports as the “W.G. Jones Residence.” The project is described in detail in Chapter 3. This SEIR is based in part on the 1992 EIR (City of San Jose 1992) and 1999 SEIR (City of San Jose 1999) for the San Jose Downtown Strategy Plan.

### **California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires public agencies to evaluate and disclose the potential environmental impacts of proposed projects. Before the City of San Jose may approve a proposed project that would result in a significant impact on the environment, it must prepare an EIR that describes the proposed project, the existing physical environment, the project’s expected environmental impacts, and alternatives that could reduce or avoid those impacts.

CEQA represents a process of public disclosure of potential environmental impacts. It does not require the City to deny a proposed project that may have significant impacts. However, should the City choose to approve a proposed project with significant impacts that cannot be avoided, it must adopt a “statement of overriding considerations” that identifies the specific economic, social, legal, technical, or other benefits of the proposed project that outweigh its significant impacts.

## **Environmental Impact Reports**

An EIR focuses on the significant impacts of a proposed project. Before certifying a final EIR (FEIR) for a proposed project, the City must make the draft EIR (DEIR) available to the public and other agencies for their review and comment. The comments, the City's responses to the comments, and any revisions to the DEIR will be made part of the FEIR. The City must consider the information in the FEIR and certify its adequacy before it can make a decision on a proposed project. Where feasible, the City must adopt mitigation measures (i.e., changes or requirements placed on a project that would reduce its impacts) that will reduce or avoid the impacts of a proposed project.

CEQA requires a lead agency to examine whether a proposed project would result in direct, indirect, growth-inducing, or cumulative impacts. Direct impacts are those caused directly by the proposed project (e.g., noise generated during construction). Indirect impacts are those removed from the proposed project by time or location (e.g., increased traffic at an intersection several blocks away). Growth inducement refers to whether the proposed project would remove obstacles to growth or result in residential growth. Cumulative impacts are significant impacts that result from the interaction of many individual projects; a proposed project may have an impact that is less than significant individually, but nonetheless makes a significant contribution to a cumulative impact.

## **Subsequent Environmental Impact Reports**

CEQA provides that when an EIR has been certified for a proposed project, no additional EIR is required unless the agency determines on the basis of substantial evidence in the light of the whole record one or more of the following:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of

- the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.  
(CEQA Guidelines Section 15162)

This analysis is based on the 1992 EIR and 1999 SEIR certified for the Downtown Strategy Plan. The Plan acknowledged that demolition of cultural and historic resources was a possibility to enable its full build-out. However, because not all cultural and historic resources in the Downtown had been identified at the time of the Plan and EIR, project-specific analyses are required when the potential for loss of a cultural or historic resource has been identified.

## Current and Related Analyses

The City of San Jose certified a SEIR in 1999 for the Downtown Strategy Plan that examined potential traffic and shade impacts that could result from planned development. That EIR was based on the earlier 1992 EIR for the same project. This SEIR is based in part on the analyses contained in the 1992 EIR and 1999 SEIR.

Before preparing this SEIR, the City distributed a notice of preparation (NOP) to notify responsible, trustee and federal agencies to solicit guidance from those agencies as to the scope and content of the environmental information to be included in this SEIR. The NOP was circulated for public comment for a 30-day period, from November 19, 2003 through December 18, 2003. The City received two responses to the NOP. A copy of the NOP and the responses to the NOP are presented in Appendix C of this DSEIR.

Overall, relative to the level of development that existed downtown in 1992, the Downtown Strategy Plan provides for up to 3.9 million gross square feet of additional office space, 400,000 gross square feet of new retail space, 850 additional hotel rooms, 3,600 new dwelling units, and renovation of up to 675,000 square feet of vacant and underused space. The Downtown Strategy Plan EIR and SEIR determined that carrying out the Plan would result in the significant impacts listed below.

**Table 1-1: Downtown Strategy Plan Impacts**

Significant Impact	Mitigation Measure(s)	Significance with Mitigation Incorporated
<b>Land Use:</b> New land uses or new configurations of land uses would result in conflicts between land uses	Implementation of applicable San Jose 2020 General Plan policies relative to community development, urban conservation; and implementation of Strategy Plan policies.	Less than significant
<b>Transportation:</b> The project would	Implementation of the 2020 General	Less than

result in significant impacts at the First and Reed Street freeway gateway	Plan transportation policies; implementation of measures included in the Downtown Strategy Plan; installation of a second left-turn lane on Reed Street	significant
<b>Transportation:</b> The project would result in cumulative traffic impacts at the eastbound approaches to Interstate 880 between Dixon Landing Road and Old Bayshore Highway	No mitigation is available	Significant and unavoidable
<b>Transportation:</b> The project would result in significant, near term traffic impacts on six freeway segments during AM peak hour and four segments during the PM peak hour.	No mitigation is available	Significant and unavoidable
<b>Air Quality:</b> Future development under the Strategy Plan would result in temporary local increases in organic gas emissions from construction vehicles, congestion-related delay of vehicles, and dust generated by construction activities. This would result in a temporary cumulative impact.	Develop standard mitigation measures for dust and traffic congestion and incorporate them as project conditions for future projects in the planning area.	Less than significant
<b>Air Quality:</b> Regional emissions resulting from increased traffic would exceed Bay Area Air Quality Management District thresholds for ozone precursors and particulate matter less than or equal to 10 microns in diameter. This would result in a cumulative impact.	Implementation of the 2020 General Plan air quality policies; Transportation System Management/ Transportation Demand policies; and implementation of trip reduction and demand management measures included in the Congestion Management Plan.	Significant and unavoidable
<b>Microclimate:</b> High-rise development can distort local winds, resulting in potentially significant impacts on pedestrian comfort and safety	The potential for adverse wind effects would be determined during the project review process and mitigation measures would be applied to the project.	Less than significant
<b>Microclimate:</b> High-rise development would result in increased shadows affecting six identified public open space areas downtown	No feasible mitigation is available.	Significant and unavoidable
<b>Noise:</b> Construction activities would temporarily increase ambient noise levels in the downtown	Implementation of 2020 General Plan noise policy.	Less than significant
<b>Noise:</b> Portions of downtown would	Conformance with 2020 General Plan	Less than



be exposed to traffic-generated noise, airport noise, and the Southern Pacific Railroad exceeding acceptable exterior and interior noise levels.	noise policies; require appropriate site and building design; require construction and noise attenuation techniques to achieve noise standards; and compliance with Title 24 building standards. Projects within the 65-dB Community Noise Equivalent Level contour of the airport would comply with the noise policies outlined in the Airport Master Plan.	significant
<b>Public Facilities and Services:</b> Development under the Strategy Plan would generate increased demand for police services, storm drainage; sanitary sewer and wastewater treatment, and water supply.	Implementation of the 2020 General Plan services and facilities goal, services and facilities policies, Downtown Infrastructure Improvement Plan, and conformance with the National Pollutant Discharge Elimination System permit	Less than significant
<b>Geology and Seismic Hazards :</b> Future development would be potentially impacted by expansive soils and/or differential settlement, and exposed to strong ground shaking and soil liquefaction in an earthquake	Conformance with the 2020 General Plan earthquake policies, soils and geologic conditions policies, and the City's unreinforced masonry building ordinance	Less than significant
<b>Geology and Seismic Hazards :</b> Future development would be located within the 100-year flood zone.	Conformance with the City of San Jose Flood Hazard Ordinance	Less than significant
<b>Geology and Seismic Hazards :</b> Future construction and grading activities would increase sediment erosion, which would affect the water quality of storm runoff	Implementation of the 2020 General Plan soils and geological conditions policies and conformance with the requirements of the City's National Pollution Discharge Elimination System permit	Less than significant
<b>Hazardous Materials:</b> There is a potential for exposure to contaminated soils, contaminated groundwater, and toxic air contaminants during or after project construction.	Implementation of 2020 General Plan policies for hazards, hazardous materials, community development, land use and water resources; implementation of the City's Hazardous Materials and Toxic Gas Ordinances; conformance with California statute; conformance with California Environmental Protection Agency and Regional Water Quality Control Board regulations	Less than significant
<b>Airport Considerations :</b> New development downtown could adversely affect airport operations	Conformance with the adopted Airport Master Plan and Federal Aviation Administration regulations;	Less than significant

through its design, height, or construction materials.	referral of development within the Airport Land Use Commission referral boundary to the Commission for review	
<b>Archaeological Resources:</b> Demolition, excavation, and construction activities would potentially impact archaeological resources throughout the area. This would include a cumulative effect on area resources.	Implement 2020 General Plan historic, archaeological, and cultural resources policies; comply with monitoring and reporting requirements.	Significant and unavoidable
<b>Cultural/Historic Resources:</b> Demolition, damage, or relocation of historic resources, and construction out of scale with historic resources would have a significant impact. This would include a cumulative effect on area resources.	Implement 2020 General Plan historic, archaeological, and cultural resources policies; future environmental review of individual projects; comply with monitoring and reporting requirements	Significant and unavoidable
<b>Relocation:</b> Property acquisition or construction of public projects could lead to relocation of homes and businesses.	Provide relocation assistance to residents and businesses in conformance with State Law.	Significant and unavoidable
<b>Aesthetics:</b> Intensification of development could result in adverse impacts unless sensitive architectural and site designs are employed.	Implement 2020 General Plan urban design policies; and implement Strategy Plan policies on aesthetics, historic context, and urban design	Less than significant
<b>Biotics:</b> Construction of new development would require removal of existing trees and would cause loss of riparian habitat along the Guadalupe River or Los Gatos Creek. This would include individual and cumulative biotic impacts.	Implement the mitigation measures for vegetation and wildlife in the Guadalupe Park Final EIR; and implement the 2020 General Plan policy encouraging the preservation of ordinance-sized and other significant trees.	Significant and unavoidable (cumulative impacts only)

The resource areas to be addressed in this SEIR are listed below. Inclusion of specific resource areas in this report was based on whether there is new information that was not known in 1999 when the previous Downtown Strategy Plan SEIR was certified that potentially indicates there could be a new or more severe impact resulting from the proposed project relating to that resource.

**Table 1-2: Resource Areas for which Further Environmental Analysis is Provided**

Resource Area	New Information or More Severe Impact?
Land Use	Yes
Transportation	Yes
Air Quality	Yes
Microclimate	No
Noise	Yes
Public Facilities and Services	No
Geology, Seismic Hazards, and Flooding	No
Water Quality	No
Hazardous Materials	Yes
Airport Considerations	No
Archaeological Resources	No
Cultural/Historic Resources	Yes
Relocation	No
Aesthetics	No
Biotic Resources	No

Documents referenced in this SEIR are available for public review in the office of the Department of Planning, Building, and Code Enforcement, 801 North First Street, Room 400, San José, California, on weekdays during normal business hours.

## **Report Organization**

This EIR comprises the following chapters and appendices:

Chapter 1, “Introduction,” provides background information on CEQA, EIRs, and previous environmental documentation prepared for the proposed project; summarizes the organization of this EIR; and lists impact terminology used in this report.

Chapter 2, “Executive Summary,” is a summary of the proposed project, its expected impacts, alternatives analyzed, and areas of known controversy.

Chapter 3, “Project Description,” is a detailed description of the proposed project, its objectives and consistency with plans and policies of responsible agencies, and their discretion over the project.

Chapter 4, “Environmental Setting, Project Impacts, Mitigation Measures, and Levels of Significance,” describes the existing environment, anticipated impacts on the environment, mitigation measures required to reduce, minimize or avoid significant impacts, and levels of significance of impacts with mitigation measures.

Chapter 5, “Cumulative Impacts,” examines whether the proposed project would make an important contribution to a cumulative impact.

Chapter 6, “Alternatives to the Proposed Project,” examines feasible alternatives to the proposed project that would reduce, minimize or avoid one or more of its significant impacts, and identifies which would be considered the environmentally superior alternative.

Chapter 7, “Significant Unavoidable Impacts,” identifies the significant impacts discussed in Chapters 4 and 5 that cannot be avoided.

Chapter 8, “Irreversible Environmental Changes and Irretrievable Commitment of Resources,” identifies significant irreversible environmental changes, which would be involved in the project, should it be implemented.

Chapter 9, “Growth Inducing Impacts,” discusses reasonably foreseeable growth that would occur as a result of project implementation.

Chapter 10, “Report Preparation Personnel,” lists the people who prepared the EIR.

Chapter 11, “References,” lists the written sources of information used to prepare the EIR

Appendix A, “Analysis and Summary of Historic Reports.”

Appendix B, “Notice of Preparation (NOP) and Responses to NOP.”

## **Executive Summary**

### **Project Description**

The proposed project is a Special Use Permit (File #RSP03-004) for the demolition of the W.G. Jones Residence. The dwelling unit, formerly located at 126 Viola Avenue, was determined to appear “eligible for the California Register [of Historical Resources]” and is listed on the City of San Jose Historic Resources Inventory as a Structure of Merit. The house, moved temporarily to the current site in October 2002, was set on blocks and remains in this condition today. The City of San Jose Redevelopment Agency previously offered the building for free to the public for permanent relocation and rehabilitation and provided the local preservation community the opportunity to identify architectural items and artifacts of value, and then ultimately salvage the items for re-use. The site would revert back to the parking lot once the demolition and removal of the house, anticipated to take one working day, is completed.

### **Project Background & Setting**

The project involves a single-family dwelling unit previously located at 126 Viola Avenue. The dwelling unit was relocated from this site with a Special Use Permit (RSP02-003) that also permitted the demolition of four other vacant residential structures in October 2002, as part of the on-going redevelopment of the Monterey Corridor Redevelopment Project Area. Consistent with this Redevelopment plan which includes site assembly and preparation for development by the clearing of potential development sites, the Redevelopment Agency acquired all of the properties bounded by Almaden Avenue, Market Street, Viola Street, and Balbach Street to facilitate the potential future expansion of the City of San Jose’s McEnery Convention Center.

This site is currently an interim paved parking lot that was constructed to support retail activities in this area and was further improved to enable uses such as the Downtown Association’s annual ice-skating rink and a performance of Cirque du Soleil. The subject structure is now located at the northwest corner of Almaden Boulevard and Woz Way on two parcels (APNs 264-28-22 & -153) containing the paved parking lot that is planned for the development of three office towers, for which the requisite planning permits have been issued. The project site is bounded by a parking lot to the north, commercial buildings to the east and south, and the Guadalupe River to the west.

## Impacts and Mitigation Measures

The Supplemental Environmental Impact Report (SEIR) will address the following issues: land use, hazardous materials, traffic and transportation, air quality, noise, and cultural/historic resources. Because this document is an SEIR, it will concentrate on changes in the project, or its circumstances, and new information that was not known in 1999 when the previous Downtown Strategy Plan SEIR was certified and that potentially indicates there will be a new or more severe impact than identified in the previous SEIR. The impacts that would result from the proposed project are identified in Chapters 4 and 5. Their level of significance is identified using the following terms:

- No Impact
- Less than Significant Impact
- Less than Significant Impact with Mitigation Incorporated
- Significant and Unavoidable Impact

## Downtown Strategy Plan

The 1999 SEIR identified several impacts that would result from implementation of the Downtown Strategy Plan. The proposed project analyzed in that SEIR was the Downtown Strategy Plan itself. The City adopted a statement of overriding considerations for the impacts that were determined significant and unavoidable.

### Proposed Demolition Project

The proposed project would include all pertinent measures from the 1992 EIR and 1999 SEIR for the Downtown Strategy Plan. Table 2-1 lists the impacts of the proposed project, mitigation measures identified to reduce or avoid those impacts, and significance of each impact after mitigation.

**Table 2-1: Project Impacts and Mitigation**

Significant Impact	Mitigation Measures	Significance with Mitigation Incorporated
<b>Impact HM-1:</b> Upon demolition, the presence of ACMs and lead-based paint in the building could expose workers and sensitive receptors to health risks.	<b>Mitigation Measure HM-1:</b> Demolition of the structure will require remediation of asbestos-containing materials (ACMs) and lead based paint that will be undertaken according to Cal/OSHA and EPA standards to protect workers and off-site occupants from exposure to asbestos and lead-based paint. Hazardous building materials will be disposed of in accordance with Federal, State, and local laws.	Less than significant
<b>Impact HR-1:</b> The project will demolish a building	<b>Mitigation Measure HR-1:</b> Prior to demolition the structure will be photographed using the Historic Building Survey (HABS) standards for photography. Copies of the	Significant and unavoidable

eligible for the California Register	photo documentation shall be deposited with local archives, including the History San Jose and the Martin Luther King, Jr. Library.	
<b>Impact AQ-1:</b> The project will result in air quality impacts relating to PM10 emissions from construction-related activities	<b>Mitigation Measure AQ-1:</b> Implementation of the following Bay Area Air Quality Management District (BAAQMD) requirements for effective, comprehensive feasible control measures to reduce PM10 emissions: <ul style="list-style-type: none"> <li>• Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard</li> <li>• Sweep daily) all paved access roads, parking areas, and staging areas at construction sites</li> <li>• Sweep streets daily if visible soil material is carried onto adjacent public streets.</li> </ul>	Less than significant

## Alternatives to the Project

CEQA requires an EIR to examine a reasonable range of alternatives to the proposed project that meet most or all of the project's objectives while reducing or avoiding one or more of its significant impacts. This SEIR examines three alternatives to the proposed demolition of the structure. The alternatives discussed include "No Project", and two relocation alternatives.

The No Project alternative would involve returning the W.G. Jones Residence to its original location on Viola Avenue since leaving the structure on its present site is infeasible because the site is entitled with approved permits for the impending office development project. Under the No Project Alternative, no impacts to historic resources would result compared to the proposed project until future development is proposed. The No Project Alternative would not meet the objective of the proposed project to continue the site assembly for development in the Downtown. There is also no mechanism in place to require rehabilitation of the house with the No Project Alternative.

The Appropriate Historical Setting Relocation alternative involves relocating the W.G. Jones Residence to a permanent site and examines the effect of moving the structure to another location with an appropriate setting for the historic structure. This alternative would avoid the significant unavoidable impacts to historic resources since the structure would be preserved. It would also meet the project objective of continuing site assembly for development in the Downtown. This would also be the environmentally superior alternative.

The Relocation Inappropriate Historical Context alternative involves relocating the structure to a permanent site and examines the effect of moving the structure to an inappropriate context for the historic structure. This alternative would result avoiding the loss of the historic structure, but would not rehabilitate it. This alternative would result in a reduced impact compared to demolition, but could still result in a significant impact to an identified historic resource by introducing the structure to an inappropriate setting and not rehabilitating the structure in a sensitive manner. This alternative could meet the objective of the project to continue site

assembly for development in the Downtown by removing the structure from the site and facilitating development of the parcel.

## **Areas of Known Controversy**

CEQA Guidelines require an EIR to identify known controversies that may exist relative to a proposed project. Controversy in itself does not mean that an impact is significant.

- **Historic Resources:** The loss of a potentially historic structure in the Downtown is of ongoing concern to the preservation community of the City of San Jose.



## Chapter 3

# Project Description

### Overview of the Project

The San Jose Redevelopment Agency proposes to demolish a house that is temporarily located in a parking lot north of the intersection of Almaden Boulevard and Woz Way in the City of San Jose, California (Figures 1 & 2). The 1992 FEIR and 1999 SEIR on the Downtown Strategy Plan requires additional environmental analysis of impacts to significant or potentially significant historic resources at the project level for future applications, including demolition permits. Since the proposed project and the subject structure were not specifically addressed in the FEIR, the City of San Jose (City) is required to prepare a supplemental EIR (SEIR) on the demolition application, including a historic evaluation of the subject structure.

### Objectives of the Project

The objective of the project is to continue the site assembly for development in Downtown San Jose Redevelopment Project Areas. The house was formerly located in the Monterey Corridor Redevelopment Project Area and was moved to its current interim location while other less historically significant houses on the same block were demolished to create a development parcel. Site assembly and clearance are activities anticipated in the Redevelopment Plan in support of the overall goal of elimination of blight in the Downtown.

In October 2002, the subject structure was relocated from its original site to a nearby public parking lot (Figure 2). The parcel on which the house was originally located is designated in the Downtown Strategy Plan and the FEIR for use in the future expansion of the City of San Jose's McEnery Convention Center. Presently, the site is used as an interim parking lot operated by the City of San Jose in support of retail businesses in the surrounding area.

Subsequent to certification of the FEIR, the Redevelopment Agency offered the subject structure to the public for acquisition and ran advertisements in the San Jose Mercury News on March 10, 2002 and on March 13, 2002 offering five houses (including the W.G. Jones residence) to the public for free and in "as-is" condition to qualified applicants. The City received no proposals in

response to these ads (Lisa Mulvany, San Jose Redevelopment Agency, pers. comm./email 3/7/03). Four of the structures, excluding the W.G. Jones residence, were subsequently demolished. Subsequently through public meetings and other outreach efforts by the Redevelopment Agency, the local historic preservation community was informed of the desire to relocate the W.G. Jones structure if possible, or the eventual application for demolition could result (Bill Ekern, pers. comm. 3/12/03). Additional public outreach included the advertisement of the house on the Redevelopment Agency's website as available at no cost to any interested party. As of the preparation of this document no offers have been made to the Redevelopment Agency to acquire, relocate, and restore the house. Therefore, the Redevelopment Agency is now proposing to demolish the subject structure.

The 1992 FEIR did not include a project-level analysis of potential impacts associated with the demolition of the subject structure. Pursuant to Public Resources Code Section 21166, the City has determined that an SEIR is appropriate to examine the proposed Project and the issues potentially affected by the project, including:

- Air Quality,
- Land Use,
- Transportation and Circulation,
- Noise,
- Hazardous Materials, and
- Cultural & Historic Resources

## **Project Location and Existing Site Conditions**

The subject structure is currently sited in a parking lot located northwest of the intersection of Almaden Boulevard and Woz Way in the City of San Jose, California (Figure 2). Workers and patrons of the surrounding businesses use the parking lot. It is also used for overflow parking from the Convention Center's parking garage, HP Pavilion events and other community art and entertainment events. The parking lot is bounded by South Almaden Boulevard to the east, Woz Way to the south, the Guadalupe River to the west, and office buildings on the north. The parking lot site is planned for 860,000 net square feet of office space divided between three buildings, not to exceed 280 feet above ground level. The planned towers are permitted under a Site Development Permit (File No. RH00-05-005) approved by the Executive Director of the Redevelopment Agency. The site is also subject to a Development and Disposition Agreement (DDA) between the proponent, Boston Properties, and the Redevelopment Agency.

Some time after its relocation to the current site, the W.G. Jones Residence became the subject of a fire training exercise by the City of San Jose Fire Department. Significant damage to the roof of the structure occurred as a result. The Redevelopment Agency also offered the local historic community the opportunity to identify and collect salvageable items and artifacts. Consequently, elements of architectural interest or value were removed from the structure and incorporated into other private projects.

## **Project Characteristics**

The proposed project is a Special Use Permit to allow the demolition of the subject structure and disposal of the residual materials in accordance with City of San Jose regulations regarding demolition and recycling. Demolition of the structure will be recorded in the historic resources inventory.

## **Demolition Process**

If the building is demolished, the demolition work will be publicly bid and will require the contractor to recycle as much of the material as possible. It is possible that a demolition contractor could salvage the siding and other wood elements of the building for re-sale or re-use. Other material will be taken to local recycling facilities in accordance with the City of San Jose's regulations governing the disposal and recycling of demolition and construction debris.

The contractor is anticipated to use a rubber-tire loader or tractor with a bucket to break the building and place remnants into trucks for hauling to dump sites. Because the structure is generally wood, segregation of material will be minimal. The chimney and other minor masonry elements will be separated and disposed of apart from the wood. Roof material may also be separated, depending upon the recycling process selected by the contractor.

The entire demolition and removal is anticipated to take one working day. Mitigation measures for impacts from the demolition of the structure will be incorporated into the demolition contract. The contractor prior to beginning the project will obtain required permits from oversight agencies.

## **Lead and Responsible Agencies and Required Permit Approvals**

The City of San Jose is the lead agency for the DSEIR for the W.G. Jones Residence Demolition Project as defined by CEQA. San Jose Municipal Code Chapter 21.07 designates the Planning Commission as the decision-making body for certification of EIRs. The Planning Commission must hold a noticed public hearing to certify the Final EIR. Upon conclusion of its certification hearing, the Planning Commission may find that the Final EIR is completed in compliance with CEQA.

This Environmental Impact Report (EIR) is intended to provide the City of San José, other public agencies, and the general public with the relevant environmental information needed in considering the proposed project. At this time, the City of San José anticipates that the EIR may be used for the following actions:

- Special Use Permit for demolition of a historic structure

## Consistency with Adopted Plans and Policies

In conformance with Section 15125(b) of the CEQA Guidelines, the following section discusses the consistency of the proposed project with relevant adopted plans and policies.

### City of San José 2020 General Plan

The San José General Plan is a comprehensive, long-term plan that represents the City's official development policy. The following is a summary of policies that apply to the proposed project.

#### *Historic, Archaeological and Cultural Resources Element*

The goal of the Historic, Archaeological and Cultural Resources Element of the San José 2020 General Plan is the preservation of historically and archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity and to enhance the quality of urban living.

This goal is achieved through the following policies:

Policy 1: Because historically or archaeologically significant sites, structures, and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.

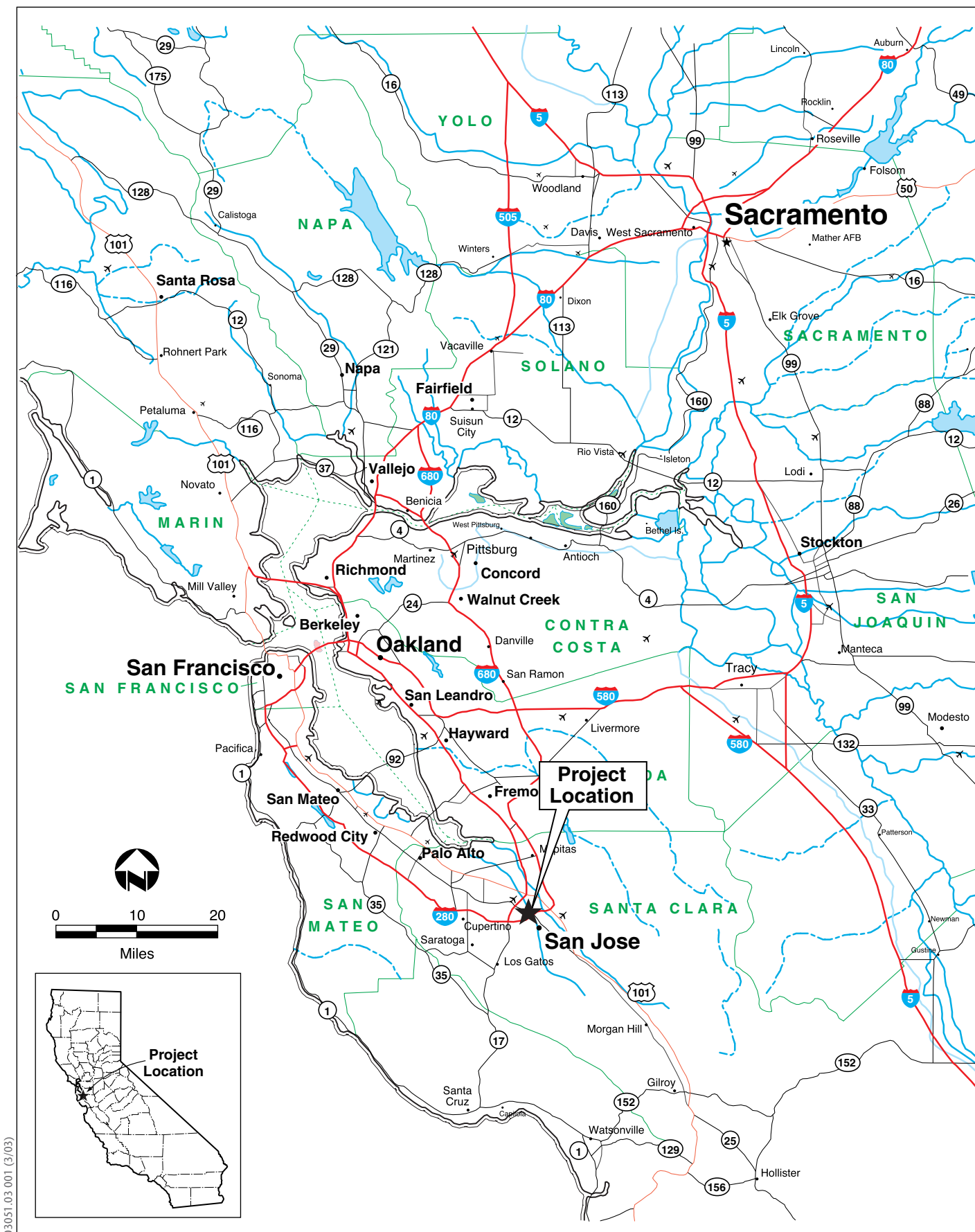
Policy 2: The City should use the Area of Historic Sensitivity overlay and the landmark designation process of the Historic Preservation Ordinance to promote and enhance the preservation of historically or architecturally significant sites and structures.

Policy 6: The City should foster the rehabilitation of individual buildings and districts of historic significance and should utilize a variety of techniques and measures to serve as incentives toward achieving this end.

Policy 7: Structures of historical, cultural, or architectural merit, which are proposed for demolition because of public improvement projects, should be considered for relocation as a means of preservation. Relocation within the same neighborhood, to another compatible neighborhood, or to the San José Historical Museum should be encouraged.

Policy 11: The City should encourage the continuation and appropriate expansion of Federal and State programs which provide tax and other incentives for the rehabilitation of historically or architecturally significant structures.

**Consistency:** Implementation of the proposed project will result in the demolition of a structure that has been identified by the City as a historic resource, because it is considered eligible for the California Register of Historic Resources. The project would not be consistent with the Historic plans and policies of the San José 2020 General Plan.

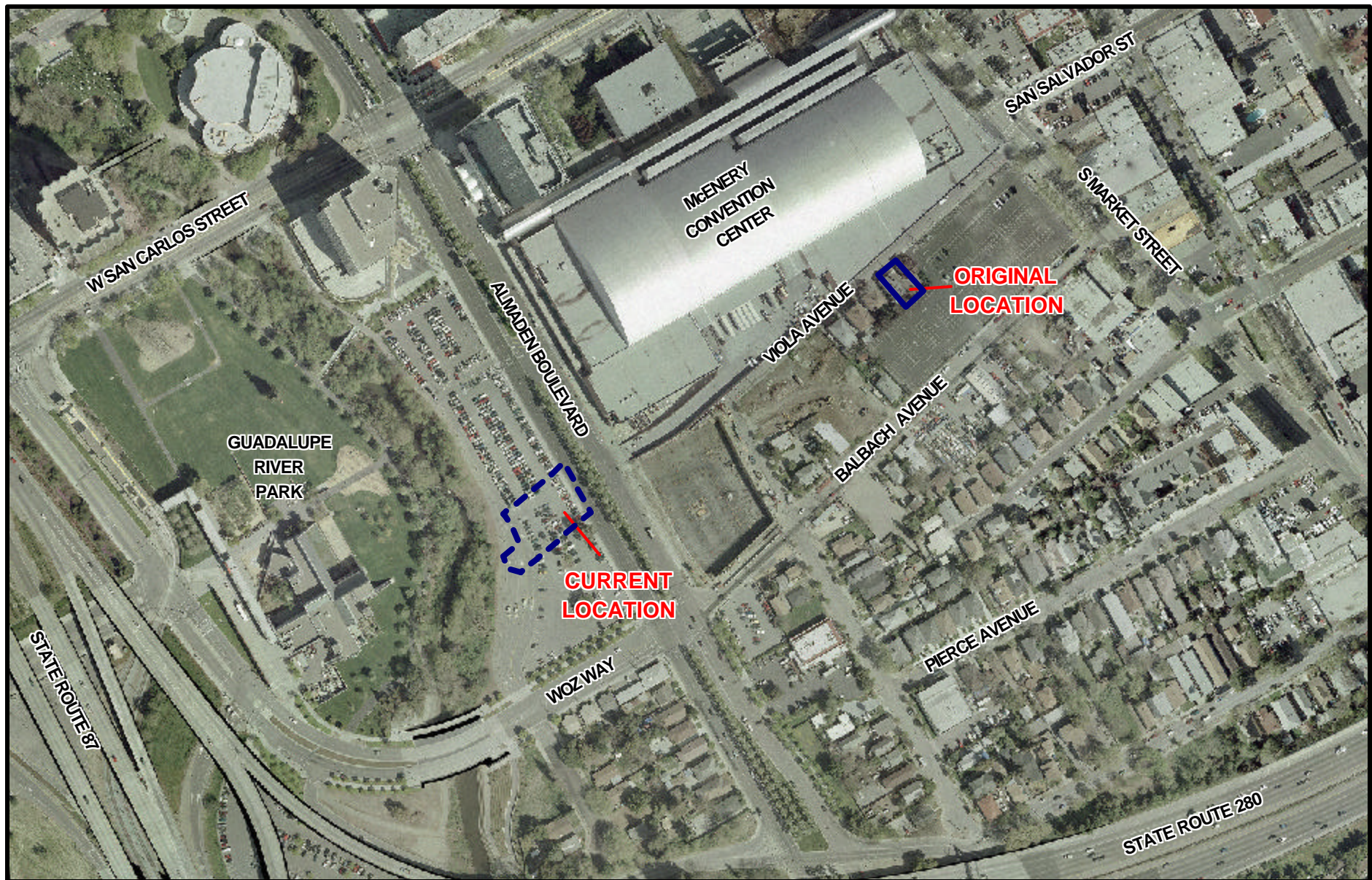


No Scale



Figure 2  
Vicinity Map





Scale: 1"=300'

Date: 02/26/04



**PROJECT BOUNDARIES**

**FIGURE 3: AERIAL PHOTOGRAPH**



## **Environmental Setting, Project Impacts, Mitigation Measures, & Levels of Significance**

The 1992 EIR and 1999 SEIR for the Downtown Strategy Plan examined the impacts of development pursuant to that Plan. This included demolition of structures in preparation for future development. “The Downtown Strategy Plan could result in development proposals that would require the demolition or relocation of historically significant structures.” (1992 EIR) Further, “[additional environmental analysis of impacts to significant or potentially significant historic resources will be required at the project level for future ... development permit applications.” (1992 EIR) The EIR identified the demolition or relocation of historically significant structures as a potentially significant impact.

### **Environmental Setting**

The project involves a single dwelling unit, the W.G. Jones residence, previously located at 126 Viola Avenue. The dwelling unit was moved in October 2002 to the corner of Woz Way and Almaden Boulevard, where a parking lot currently exists. The subject structure is located on two parcels that are part of the parking lot (APNs 264-28-22, 153). The project site is bounded by a parking lot to the north, commercial buildings to the east and south, and the Guadalupe River to the west.



## **Land Use**

The house currently sits on blocks in a parking lot in Downtown San Jose that is presently zoned and permitted for development of approximately 850,000 net square feet of office space in three towers. It was relocated from a development site for the San Jose McEnery Convention Center Expansion and as part of the redevelopment efforts to prepare development sites in the Downtown. Demolition of the house does not conflict with the development planned on its interim site, or with potential development on its original site.

***Conclusion:*** The proposed demolition would not result in significant land use impacts. **(Less than Significant)**

## **Hazardous Materials Impacts**

Lead and asbestos surveys were performed prior to the relocation of the structure to the current site, and shortly after its relocation. Prior to relocation of the structure over public rights-of-way to the current site, per standard procedures by the Redevelopment Agency, remediation of the structure for asbestos-containing materials (ACMs) and lead-based paint, included the removal of friable asbestos laden tiles and insulation, and the scraping and removal of lead-based paint was performed in accordance with National and State standards and under the supervision of engineers certified for such work (Bill Ekern, SJRA, pers comm. 3/12/03). However, asbestos and lead-based paint could still be present. Therefore, the demolition of the building could expose workers and nearby sensitive receptors to potential health risks, resulting in a significant impact.

**Impact HM-1: Demolition of the building could expose workers and nearby sensitive receptors to potential health risks, resulting in a significant impact.**

**Mitigation Measure HM-1:** Remediation of asbestos-containing materials and lead based paint that will be undertaken according to Cal/OSHA and EPA standards to protect workers and off-site occupants from exposure to asbestos and lead-based paint. Hazardous building materials will be disposed of in accordance with Federal, State, and local laws.

***Conclusion:*** Demolition of the structure would have less than significant hazardous materials impacts with implementation of mitigation measures required by existing laws and policies. **(Less the Significant with Mitigation)**

## **Transportation and Circulation**

The demolition of the W.G. Jones residence will have no impact on transportation or circulation in or through the Downtown. The demolition will occur within the parking lot, with all equipment, including trucks and tractors, operating therein. Access from the site to the freeways thence likely to recycling centers is direct and would not divert construction traffic through residential areas or impact any signalized intersections so as to cause Level of Service impacts.

***Conclusion:*** Demolition of this small residential structure would have less than significant transportation and circulation impacts. **(Less than Significant)**

## **Air Quality**

The prior EIRs certified for the Downtown Strategy Plan identified a significant and unavoidable cumulative air quality impact relating to regional traffic emissions. However, the construction-related impacts evaluated in those documents were found to be less than significant with implementation of Bay Area Air Quality Management District (BAAQMD) requirements. The only impacts associated with the proposed project are construction-related, and BAAQMD does not require quantification of construction emissions.

The requirements of BAAQMD are implementation of effective and comprehensive feasible control measures to reduce PM10 emissions. PM10 emissions are generated by a wide variety of sources including agricultural activities, industrial emissions, dust suspended by vehicle traffic, and secondary aerosols formed by reactions in the atmosphere. PM 10 emitted during construction activities varies greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, and weather conditions. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to reduce PM10 emissions during construction. These control measures are aimed at controlling PM10 emissions and are summarized below. According to BAAQMD (1999), with all control measures outlined below implemented for the project, air pollutant emissions from construction activities will be reduced to less than significant.

**Impact AQ-1: The project will result in significant impacts on air quality relating to PM10 emissions from construction-related activities.**

### **Mitigation Measure(s) AQ-1:**

- Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard
- Sweep daily) all paved access roads, parking areas, and staging areas at construction sites
- Sweep streets daily if visible soil material is carried onto adjacent public streets.

**Conclusion:** With implementation of the proposed mitigation, the project would have less than significant air quality impacts. **(Less than Significant with Mitigation)**

## **Noise**

The project area is located with Downtown San Jose, and the noise environment is predominated by urban activities, with the main sources of noise traffic and aircraft. The site is proximate to State Route 87 and beneath the flight path to the San Jose Norman Y. Mineta International Airport. Existing noise levels in the project area are in the range of 60-70 dB day-night level (L<sub>dn</sub>). The structure would be demolished using standard equipment (bulldozer, loader, and truck) in the course of one day, between the hours of 7:00 a.m. and 7:00 p.m.

**Conclusion:** Demolition of the residential structure would constitute a less than significant impact. **(Less than Significant)**

## **Cultural/Historic Resources**

The historic report prepared for the proposed project is included here as Appendix A. The dwelling unit, formerly located at 126 Viola, was determined to appear “eligible for the California Register [of Historical Resources]” and is listed on the City of San Jose historic resources inventory as a Structure of Merit. Because the structure is potentially eligible for the California Register, the demolition of the structure would have a significant and unavoidable impact.

The 1992 Downtown Strategy Plan EIR determined that implementation of the Downtown Strategy Plan would result in significant direct and indirect impacts on historic resources, including direct impacts as a result of demolition. These impacts were found to be significant and unavoidable. While the proposed project would not result in a significant impact that is more severe than identified in the Downtown Strategy Plan EIR, the historic report identified substantial new information regarding the historic status of the former W.G. Jones Residence.

Historic reports on the building found that the house is “a unique and artistic representation of its style of Craftsman architecture in San Jose, and therefore appears to be significant under Criterion C of the National Register.” (Dill Design Group, 2000) Under the City of San Jose Historic Evaluation Criteria, the house scored 52 points, thus qualifying it as a Structure of Merit. In September 2002, further research was conducted on the building by Architectural Historian Ward Hill. Hill found that the “design integrity of 126 Viola Avenue [W.G. Jones residence] has been somewhat compromised since the original porch posts and windows have been removed...[and that] 126 Viola Street appears to be eligible for the California Register under Criterion 3 if the original porch posts and windows were restored.” The structure is in poor condition, as the roof was damaged as a result of fire training exercises.

**Impact HR-1: The project will demolish a building eligible for listing in the California Register of Historic Resources, resulting in a significant impact.**

### **Mitigation Measure HR-1**

Prior to demolition the structure will be photographed using the Historic Building Survey (HABS) standards for photography. Copies of the photo documentation should be deposited with local archives, including History San Jose and the California Room of the Martin Luther King, Jr., Library.

**Conclusion:** The project would ultimately result in the loss of a building that is eligible for listing on the California Register of Historic Resources. This is a significant and unavoidable impact. **(Significant and Unavoidable Impact)**

## Chapter 5

# Cumulative Impacts

CEQA requires an EIR to examine the potential cumulative impacts of the proposed project. Cumulative impacts result from the combined effects of many past, present, and reasonably foreseeable future projects. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. A proposed project may have individual effects that are less than significant but nonetheless make a considerable contribution to a significant cumulative effect. The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project.

CEQA Guidelines Section 15130 provides that an EIR must analyze the cumulative impacts of a proposed project when that project makes a considerable contribution to the cumulative effect.

The 1992 EIR and 1999 SEIR identified several cumulative impacts that would result from future development pursuant to the Downtown Strategy Plan. These impacts and any changes under the proposed project are described below.

## **Transportation**

The Downtown Strategy Plan would contribute to a cumulative traffic impact at the eastbound approaches to I-880 between McCarthy Boulevard/Dixon Landing Road and Old Bayshore Highway. The impact was determined significant and unavoidable.

The proposed project does not add trips to the transportation model beyond those analyzed in the prior environmental documents. Nonetheless, the project would contribute to this cumulative impact during the limited period of the demolition activities, i.e., for one day, but this is not a considerable contribution.

***Conclusion:*** The project would contribute to cumulative traffic impacts for less than one day during the limited period of the demolition activities, but this is not a considerable contribution. **The project will not result in a considerable contribution to cumulative traffic impacts.**

## **Air Quality**

The 1992 EIR and 1999 SEIR for the Downtown Strategy Plan identified two contributions to cumulative air quality impacts for the Plan. Future development would result in temporary local increases in organic gas emissions from construction vehicles, congestion-related delay of vehicles, and dust generated by construction activities. This impact was determined less than significant with the implementation of mitigation measures identified in the EIRs. In addition, vehicle emissions resulting from increased traffic would exceed the BAAQMD thresholds for ozone precursors and dust (PM10). The impact was determined significant and unavoidable.

***Conclusion:*** The project will comply with current best management practices for reducing cumulative contributions to PM10. **As a result, the project will not make a considerable contribution to air quality impacts.**

## **Biotics**

The 1992 EIR and 1999 SEIR for the Downtown Strategy Plan found that new development would require the removal of existing trees and would cause the loss of riparian habitat along the Guadalupe River and Los Gatos Creek. The impact was determined significant and unavoidable.

***Conclusion:*** **Because the proposed project will not affect any riparian habitat or remove any street trees, the proposed project would not make a considerable contribution to this cumulative impact.**

## **Cultural/Historic Resources**

The 1992 EIR and 1999 SEIR for the Downtown Strategy Plan determined that demolition, damage, or relocation of historic resources and construction out of scale with historic resources contribute to a significant and unavoidable cumulative impact.

CEQA requires that the impacts of the proposed W.G. Jones Residence Demolition project be analyzed in conjunction with other related past, current, and probable future projects whose

impacts might compound or interrelate with those of the project. The project would result in a significant unavoidable impact to a historic resource. The following analysis, therefore, focuses on impacts to historical resources.

The CEQA Guidelines recommend that the cumulative analysis rely on either a list of pending projects, or the projections in an approved General Plan. This analysis uses a list of pending and recently approved development.

The City of San José has identified 12 pending or approved projects in Downtown San Jose whose combined impacts to historic resources, in combination with those of the proposed project, might be cumulatively considerable. Table 5-1 lists the projects incorporated into the cumulative impact analysis.

<b>TABLE 5-1</b>		
<b>Cumulative Analysis Pending and Approved Projects</b>		
<b>No.</b>	<b>Affected Historic Resources</b>	<b>Historical Significance of Resource</b>
1	Muirson Label & Crate Co.	CA Register eligible historic structure
2	Fox Building	CA Register eligible historic structure
3	153 E. Julian Street*	Contributing structure to a historic district
4	28 E. Santa Clara Street*	Contributing structure to a national register district
5	32 E. Santa Clara Street*	Potential contributing structure to a national register district
6	36/40 E. Santa Clara Street*	Contributing structure to a national register district
7	27 Fountain Alley*	Contributing structure to a national register district
8	33 Fountain Alley*	Contributing structure to a national register district
9	504 Almaden Avenue*	CA Register eligible historic structure
10	655 Auzerais Avenue*	CA Register eligible historic structure
11	200 N. 1 <sup>st</sup> Street, Letcher Garage	Contributing structure to a national register district & city landmark district
12	Del Monte warehouses 2, 3, 4, 20	Historic structures within non-contiguous historic district
* designates a single-family house		

As San José has grown and evolved over the last 50 years, many of the single-family neighborhoods in the Downtown area have been divided, reduced, and replaced by business development, freeway construction, expansion of San José State University, and development of multi-family residences. This continual development in Downtown San José has resulted in the loss or relocation of many historic structures, both residential and commercial/industrial. Though the loss of a historic residential structure is not equivalent to the loss of a historic commercial/industrial building in terms of original use of the structure, the cumulative loss of historic structures in general is important. The overall historical context of Downtown San José is degraded every time a historic structure, regardless of use, is lost or incongruously relocated. The continuing loss of California Register-eligible structures in Downtown San José has resulted in a significant cumulative impact to historic structures within the City. To the extent that the W.G. Jones house is a significant component of the history of Downtown San José, and is eligible for the California Register, the loss of this house, in conjunction with the other projects identified in this cumulative impact analysis, will result in a significant cumulative historic impact.

Relocation of the W.G. Jones Residence to a site that is not appropriate to the historic context of the structure would impact the house's historical integrity. Therefore, relocation of the house to an inappropriate site would still contribute to the cumulative historic impact. If the house were relocated to an appropriate location the proposed project would not contribute to the cumulative historic impact. Since no appropriate site has been identified on which to move the house, it is concluded that the project would contribute to a significant cumulative impact to historic resources.

***Conclusion: Demolition of the WG Jones house will result in significant cumulative impacts to historic resources in Downtown San José. (Significant Unavoidable Cumulative Impact)***

## **Project Alternatives**

CEQA requires an EIR to identify a reasonable range of feasible alternatives to the proposed project that would meet most or all of its objectives while avoiding or substantially reducing its potential environmental impacts. In addition, the EIR must analyze a no-project alternative.

The 1992 EIR and 1999 SEIR examined several alternatives to the Downtown Strategy Plan, as described below. The applicable analyses are incorporated into this SEIR by reference.

CEQA requires that subsequent EIRs re-examine any alternatives that were previously found infeasible (all of the above alternatives) if substantial new information shows that they would indeed be feasible (CEQA Guidelines Section 15162[a][3][C]). The new information presented in this SEIR relates to the project-specific effects of the proposed project. None of this information indicates that any of the alternatives discussed in the 1992 EIR and 1999 SEIR would now be feasible. The alternatives remain infeasible because no changes are being proposed to the Downtown Strategy Plan that would allow them to be implemented.

CEQA also requires that subsequent EIRs examine new alternatives that were considerably different than those reviewed in the prior EIRs if substantial new information indicates that the new alternatives would substantially reduce one or more of the significant effects of the proposed project (CEQA Guidelines Section 15162[a][3][D]). The proposed project would not have any new impacts or more severe impacts than those addressed in the prior EIRs, but it would have a significant and unavoidable project specific impact on a cultural resource.



In light of this impact, this SEIR examines an alternative that would avoid the need to demolish the structure. Under the alternative the structure would be relocated to a privately owned property and rehabilitated by that property owner using the Secretary of Interior Standards. This alternative differs from the no-project and no-action alternatives examined in the 1992 EIR because it assumes the rest of the Downtown Strategy Plan would proceed. The Redevelopment Agency would make the final determination of feasibility when it makes findings required under CEQA Guidelines Section 15901. If the Redevelopment Agency decides to proceed with the proposed project, it must find that the alternatives identified in the SEIR are infeasible.

### **No Project Alternative**

Under the No Project alternative, the structure would be moved back to its previous location on Viola Avenue. As described previously, the structure cannot remain at its current location, since the site has received discretionary approvals for an office development. Under this alternative, the building would remain on blocks and unfinished and at risk for vandalism, it would continue to deteriorate and become a nuisance to the surrounding areas. Returned to its original site, it would likely be necessary to move it again, as development opportunities for the surface parking lot arise consistent with the General Plan and Monterey Corridor Redevelopment Plan.

*Conclusion:* The No Project Alternative would have no impacts compared to the proposed project until future development is proposed. The No Project Alternative would not meet any of the objectives of the proposed project. In the short term, the No Project Alternative would be environmentally superior, but future development of the site under the adopted SNI may not be environmentally superior to the project.

### **Relocation to Appropriate Historical Context Alternative**

Under this alternative the structure would be relocated to a parcel in an area of San Jose consistent with its historic character and rehabilitated in accordance with Secretary of Interior Standards. The relocation and rehabilitation of the W.G. Jones Residence would avoid the significant unavoidable impact of the proposed project by preserving a building recognized as a historic structure by the City of San José.

*Conclusion:* The relocation to Appropriate Historical Context alternative is environmentally superior to the proposed project because it avoids the significant impact of the loss of a historic structure compared to the proposed project. However, this alternative may not be feasible.

The Redevelopment Agency ran advertisements in the *San Jose Mercury News* on March 10, 2002 and on March 13, 2002 offering 126 Viola to the public for free and in “as is” condition. The Redevelopment Agency received no proposals in response to these ads. Beginning in early 2003 and continuing through the preparation of this SEIR, the Redevelopment Agency has also offered the structure to the private sector through its website, and through the internet connections of neighborhood associations and local historical societies and preservation groups. Approximately ten individuals have contacted the Redevelopment Agency staff (Bill Ekern, personal communication) evincing interest in acquiring the property. However, those individuals lacked the necessary funds to relocate and rehabilitate the structure. The Redevelopment Agency

currently has no funding for relocation assistance, or rehabilitation assistance. Further, the Redevelopment Agency owns no single-family residential properties within the areas proximate to the Downtown to which the structure could be moved.

### **Relocation to Inappropriate Context Alternative**

Under this alternative the structure would be relocated to a parcel in an area of San Jose not necessarily consistent with its historic character. This alternative would avoid the loss of the structure, but would not rehabilitate it to the Secretary of the Interior's Standards. This alternative would result in a reduced impact compared to demolition, but, by introducing the structure to an inappropriate setting and not rehabilitating the structure in a sensitive manner, could still result in a significant impact to an identified historic resource.

*Conclusion:* This relocation alternative would avoid loss of the structure, but, by introducing it to an inappropriate setting and not rehabilitating it to the Secretary of the Interior's Standards, would not avoid significant impacts to the structure. Additionally, this alternative may not be feasible.

The Redevelopment Agency ran advertisements in the *San Jose Mercury News* on March 10, 2002 and on March 13, 2002 offering 126 Viola to the public for free and in "as is" condition. The Redevelopment Agency received no proposals in response to these ads. Beginning in early 2003 and continuing through the preparation of this SEIR, the Redevelopment Agency has also offered the structure to the private sector through its website, and through the internet connections of neighborhood associations and local historical societies and preservation groups. Approximately ten individuals have contacted the Redevelopment Agency staff (Bill Ekern, personal communication) evincing interest in acquiring the property. However, those individuals lacked the necessary funds to relocate and rehabilitate the structure. The Redevelopment Agency currently has no funding for relocation assistance, or rehabilitation assistance. Further, the Redevelopment Agency owns no single-family residential properties within the areas proximate to the Downtown to which the structure could be moved.

### **Environmentally Superior Alternative**

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the No Project Alternative, because all of the project's significant environmental impacts would be avoided. However, Section 15126.6(e)(2) states: "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

*Conclusion:* Therefore, for the purposes of the project, the environmentally superior alternative would be the Relocation to Historical Context Alternative to the project because the environmental impacts would be less than those of the proposed project. However, because the private sector may not be able to provide a site on which to locate the structure and the funding to rehabilitate it, this alternative may not be feasible.

## Significant & Unavoidable Impacts

CEQA requires an EIR to identify the significant and unavoidable impacts of the proposed project. A significant and unavoidable impact cannot be reduced to a less-than-significant level through mitigation or other means short of not undertaking the proposed project. The significant and unavoidable impacts of the Downtown Strategy Plan are summarized in Chapter 1 and include:

- Contribution to cumulative traffic impacts on several freeway segments;
- Contribution to cumulative air quality impact from production of ozone precursors and PM10;
- Increased shadows on public open spaces in downtown;
- Demolition, excavation, and construction effects on archaeological resources;
- Demolition, excavation, and construction effects on historic resources;
- Relocation impacts on residences and businesses; and
- Contribution to cumulative biological impacts on riparian habitat along the Guadalupe River and Los Gatos Creek.

The proposed project as part of the larger Downtown Strategy Plan would only contribute marginally to any of these impacts. As described in Chapter 4, the proposed project would not contribute to cumulative traffic impacts, cumulative air quality impacts, increased shadows on public open spaces, impacts to archaeological resources, relocation of residences or businesses, or affect riparian habitat.

The proposed project would result in the loss of a cultural resource, a building eligible for the California Register. This would be a significant and unavoidable impact.

## **Irreversible Environmental Changes & Irretrievable Commitment of Resources**

CEQA and CEQA Guidelines require that an EIR address “significant irreversible environmental changes which would be involved in the proposed project, should it be implemented.”  
[§158126(c)]

Implementation of the proposed project would result in the loss of a significant historic resource, which is a significant irreversible environmental change. As no new construction is proposed, there would be no irretrievable commitment of resources.

## Chapter 9

# Growth Inducing Impacts

For the purposes of this project, a growth inducing impact is considered significant if the project would:

- cumulatively exceed official regional or local population projections;
- directly induce substantial growth or concentration of population. The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans;
- indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans).

The proposed demolition will not require upgrading of the existing infrastructure and will not include any significant expansion of infrastructure that would facilitate growth outside the City's Urban Service Area.

The project would not have significant growth inducing impacts.

## Report Preparation Personnel

The following people contributed to the preparation of this SEIR:

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- Amie Glaser, City of San Jose Redevelopment Agency
- Dolores Mellon, City of San Jose Redevelopment Agency
- Bill Ekern, City of San Jose Redevelopment Agency

## Chapter 11

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**APPENDIX A: ANALYSIS AND SUMMARY  
OF HISTORIC REPORTS**



**Analysis and Summary of Historic Reports:  
W.G. Jones Residence (126 Viola Avenue)**

Prepared by:

Dolores Mellon, Historian  
City of San Jose Redevelopment Agency  
50 West San Fernando Street, Suite 1100  
San Jose, CA 95113

February 2004

## **Introduction**

This report analyzes and summarizes current information pertaining to an historic resource formerly located at 126 Viola Avenue, San Jose, CA. The project includes demolition of that single-family dwelling. The resource, relocated to a public parking lot at Almaden Boulevard and Woz Way in downtown San Jose, was moved from its Viola Avenue location in October 2002. It is now located on APNs 264-28-022, 153. This site is considered the project area. The project proponent is the City of San Jose Redevelopment Agency.

Because the Redevelopment Agency must obtain City permits for the project, the environmental compliance process required under the California Environmental Quality Act (CEQA) is being conducted. CEQA requires a project proponent to identify significant historical resources that may be affected by the project, assess the significance of the impacts on these resources, and identify ways to avoid or reduce significant impacts.

This report summarizes State of California criteria (California Register of Historic Resources) in identifying and evaluating historic properties and determining the significance of the impacts. This report concludes with existing recommendations for mitigation measures that could reduce but not eliminate significant impacts. The conclusions and recommendations of this report will be summarized in the environmental document prepared for the project. Consistent with the City guidelines for historic reports, in addition to applying state criteria in identifying and evaluating historic resources in the project area, the historic properties in the project area were evaluated for local significance as well as for the National Register of Historic Places (NRHP).

## **Qualifications**

Dolores Mellon meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61, Appendix A) in History, and has over 13 years experience in historic resources' identification, classification, evaluation, and preservation of a variety of objects and sites of historical interest.

# **Historical Background**

## **Description of Historical Resources**

One single-family dwelling is located in the project site. The residence has been the subject of two completed Historic Reports (HRs) and a Historical Architecture Assessment. This report summarizes and analyzes the reports/assessment for the 126 Viola building to meet CEQA requirements.

## **Corner of Woz Way and Almaden Boulevard**

The W.G. Jones Residence was formerly located at 126 Viola Avenue. The home, relocated in October 2002, is currently situated at the corner of Woz Way and Almaden Boulevard.

Supported by blocks due to its relocation, the building is a single-story Craftsman bungalow constructed in 1909 (San Jose Downtown Historic Resources Survey, for the City of San Jose, by Dill Design Group, August 2000, hereinafter referred to as the Dill Survey). The gabled roof, covered in asphalt, features wide eaves and exposed rafters. Exterior walls are covered in a combination of wood shingles and clapboard siding, and flare at the water table. Rectangular in shape, the building features a boxed bay window on one side, and a recessed porch at the front facade. Above the entrance porch and front windows a series of exposed structural joists extend from the belt course. Original battered columns of river rock, double-hung wood sash windows, and doors have been removed.

# **Evaluation for Significance**

## **Evaluation of Criteria**

### **National Register of Historic Places**

National Register of Historic Places (NRHP) significance criteria applied to evaluate the cultural resource in this report are defined in 36 Code of Federal Regulations (CFR) 60.4 as follows:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of person significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, information important in prehistory or history.

Integrity refers to a property's ability to convey its historical significance (National Park Service 1991). There are seven aspects or qualities of integrity: location, design, setting, materials, workmanship, feeling, and association. The importance and applicability of these qualities depend on the significance of the property and the nature of the character-defining features that convey that significance.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the NRHP. However, such properties will be considered eligible if a property that achieved significance within the past 50 years is of exceptional importance (Consideration G). These considerations are to be applied after it has been determined that a property is significant under one or more of the four significance criteria above.

### **California Register of Historical Resources (CRHR)**

State CEQA Guidelines Section 15064.5 defines three ways that a property can qualify as a significant historical resource for the purposes of CEQA Review:

- if the resource is listed in or determined eligible for listing in the CRHR;
- if the resource is included in a local register of historical resources, as defined in Public Resources Code (PRC) Section 5020.1(k) or identified as significant in an historical resource survey meeting the requirements of PRC Section 5024.1(g) unless the preponderance of evidence

demonstrates that it is not historically or culturally significant, or

- the lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record.

The CRHR was created by the state legislature in 1992 and is intended to serve as an authoritative listing of historical and archaeological resources in California. In addition, the eligibility criteria for the CRHR are intended to serve as the definitive criteria for assessing the significance of historical resources for the purposes of CEQA. In this way, establishing a consistent set of criteria to the evaluation process for all public agencies statewide.

The eligibility criteria for inclusion in the CRHR are established in the PRC Sections 5020.1(k), 5024.1, and 5024.1(g). Under these criteria, a cultural resource may be eligible for inclusion in the CRHR if it:

- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important in our past;
- embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- has yielded, or may be likely to yield, information important in prehistory or history.

In addition, properties that are listed in or eligible for listing in the NRHP are considered eligible for listing in the CRHR (PRC Section 5024.1[d][1]). Generally, properties that are less than 50 years old are not considered eligible for listing in the CRHR. However, because the CRHR regulations do not specify guidance for determining significance of such properties, the guidance offered for NRHP evaluation is typically applied.

In order to be eligible for the California Register, a resource must satisfy all of the following three criteria:

- a) meet one or more of the 4 criteria of significance;
- b) retain historic integrity (defined below); and
- c) be at least fifty years old or older.

The California Register regulations define “integrity” as the “authenticity of a property’s physical identity, evidenced by the survival of characteristics that existed during the property’s period of significance.” That is, it must retain enough of its historic character or appearance to be recognizable as an historical resource. California Register regulations specify that integrity is a quality that applies to historic resources in seven ways: location, design, setting, materials, workmanship, feeling and association. A property usually must retain most of these qualities to possess integrity, although which aspects of integrity a property must retain in order to possess historic integrity depends on why the property is significant.

### **City of San Jose Landmark Designation**

City of San Jose Municipal Code 13.48.110 defines the procedures for designation of a landmark as follows:

Prior to recommending approval or modified approval, the historic landmarks commission shall find that said proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the general plan. In making such findings, the commission may consider the following factors, among other relevant factors, with respect to the proposed landmark:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San Jose;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San Jose;
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

The ordinance does not specify a limit on the age of a property that may meet the designation criteria. For planning purposes, the City generally considers properties that are 45-years old or more for potential eligibility for designation. Newer properties may receive added scrutiny during the designation review process.

Based on the above criteria, the San Jose Historical Landmarks Commission has established a process by which historical resources are evaluated for significance. A numerical evaluation system has been devised establishing the following categories of significance:

67-134	Candidate City Landmark
33-66	Structure of Merit
33-66	Contributing Structure
1-32	Non-significant

## **Evaluation of Resources**

### **Architectural Resources**

#### **W.G. Jones Residence**

The W.G. Jones Residence (formerly located at 126 Viola Avenue) was subject to review in an Historical Architectural Assessment prepared by Architectural Historian Ward Hill, September 23, 2002 (hereinafter referred to as the "Hill Assessment"), and previous evaluations of the house were included in the Downtown San Jose Historic Resources Survey (Dill, 2000: hereinafter "Dill Survey"), "Historical and Architectural Resource Evaluation for the city block bounded by South Market Street, South Almaden Avenue, Viola Avenue, and Balbach Street, in the city of San Jose, California" (Dill, January 2001: hereinafter "Dill Historic Report"), "Documentation of 126 Viola Avenue Based on the Historic American Buildings Survey Format" (Dill, June 2001: hereinafter "Dill HABS"), and the City of San Jose Historic Evaluation Sheets, March 7, 2002, prepared by Chattel Architecture, Planning & Preservation, Inc. (Chattel Evaluation).

Both Dill evaluations were coordinated prior to the building being subject to salvage and relocation. The Hill and Chattel evaluations were completed after the building was subject to salvage and prior to relocation.

Information gleaned from the Dill Survey, Department of Parks and Recreation (DPR) forms 523A and 523B, indicates that W.G. Jones, a clerk at the San Jose Post Office built the house at 126 Viola Avenue in 1909. Jones and his wife Anna owned the house until at least 1926. J.W. Battdorf is listed as contractor.

According to the Dill Survey, the building is “a unique and artistic representation of its style of Craftsman architecture in San Jose, and therefore appears to be significant under Criterion C of the National Register.” It is important to note that at the time of the survey (August 2000), the building still retained “a high level of historic integrity with its original design and construction.” In addition, the residence was still surrounded by a neighborhood of largely early 20<sup>th</sup> century homes.

Both Dill and Chattel prepared City of San Jose Evaluation Sheets for the property. Results of the Evaluation Totals prepared by Dill were 52, and by Chattel were 44.85. As indicated in applying the numerical evaluation system above, the building appears to meet the City criteria as a Structure of Merit.

Chattel states that the building would be eligible for the California Register (Criterion 3) “if restored to its original condition.” The State Office of Historic Preservation has not formally evaluated 126 Viola Avenue for National or California Register Eligibility.

## **NRHP Criterion A and CRHR Criterion 1**

According to the Dill Survey, Dill Report, Hill Assessment and the Chattel Evaluation, 126 Viola Avenue does not appear eligible under National Register Criterion A, or California Register Criterion 1, as it is not associated with events that have made a significant contribution to the broad patterns of our history.

## **NRHP Criterion B and CRHR Criterion 2**

Per Dill, Chattel, and Hill, 126 Viola is not associated with the lives of persons significant in our past. It does not appear eligible under NRHP Criterion B and CRHR Criterion 2.



## NRHP Criterion C and CRHR Criterion 3

In their 2000 Survey and 2001 Historic Report, Dill found that the W.G. Jones House was eligible under National Register criterion C, and thereby the California Register under criterion 3. Dill stated that, “The building retains a high level of historic integrity with its original design and construction. It is a unique and artistic representation of its style of Craftsman architecture in San Jose, and therefore appears to be significant under criterion C of the National Register.

By the time of the 2001 Dill HABS, the W.G. Jones residence was only one of nine buildings remaining from the original thirty-two-lot subdivision. Dill notes in that report, “the building was salvaged in April 2001 and much of the decorative detailing, both interior and exterior, was removed, as well as the majority of the windows. Before the salvage, the structure was in good condition and retained a high level of historic integrity with its original design and construction.”

Chattel found that the W.G. Jones house at 126 Viola Avenue would be eligible under NRHP Criterion C, and CRHR Criterion 3, *if* restored to its original condition, as the building would embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Chattel found that “prior to demolition of surrounding buildings and alterations to the subject property, the W. G. Jones House may have been a potential contributor to a small residential district of like properties. The setting of the subject property was profoundly affected by loss of adjacent buildings, the properties of which are now vacant land. Construction of the large convention center building on the north side of Viola Avenue has also contributed to the loss of setting. While the building was once a fine example of a modest Arts & Crafts residential building, loss of character-defining features, including windows and porch supports, has rendered the remaining building unrecognizable. Because of these factors, the subject property does not appear eligible for listing in the California Register under Criterion 3.”

Ward Hill stated that, “126 Viola Avenue appears to be eligible for the California Register under Criterion 3 if the original porch posts and windows were restored. The house is a particularly handsome San Jose example of the Craftsman Bungalow Style, featuring well-executed hallmarks of this style in its use of natural materials (wood shingles, natural river rock porch post pedestals), aesthetic articulation of structural

elements (exposed eave rafters and beltcourse structural joists) and the overall horizontality of the design. The use of exterior natural rock is rarely seen in other parts of the Bay Area and it appears to be a notable regional variation of the San Jose Bungalows.”

While there is disagreement among experts, for purposes of this report, the W.G. Jones Residence is determined eligible for the California Register under Criterion 3. As defined in CEQA Statutes 21084.1:

An historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource.

## Impacts

Substantial Adverse Change – In accordance with CEQA Guidelines, a project impact would be considered significant if the project would:

- cause a substantial adverse change in the significance of an historical resource as defined in 15064.5;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5;
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- disturb any human remains, including those interred outside of formal cemeteries.

Substantial adverse change in the significance of an historical resource means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. (CEQA Guidelines 15064.5(4)(b)(1))

The significance of an historical resource is materially impaired when a project:

Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA. (15064.5(4)(b)(2)(C))

Relationship to the proposed project – The proposed demolition of W.G. Jones Residence constitutes a substantial adverse change as the lead agency has determined the building eligible for inclusion in the CRHR.

## **Mitigation**

The project involves the demolition of a single-family dwelling that has been determined to be a City of San Jose Structure of Merit and has been determined by the City to be eligible for the California Register of Historic Resources. The building has been photographed using the Historic American Building Survey (HABS) standards for photo-documentation and will be deposited in local archives, including the History San Jose and the California Room at the Martin Luther King, Jr. Library. Even with this mitigation, the impact is considered significant and unavoidable.

## **Alternatives**

Examination of alternatives to lessen a significant and unavoidable impact is required under CEQA. The SEIR examines three alternatives to demolition:

### **No Project Alternative**

The structure would be relocated to its original site. It is infeasible for the structure to remain at the current location since it is currently entitled with appropriate development permits allowing construction of an office complex. This alternative would result in no impacts to historic resources, temporarily preserving it at the original site, but only until such time that further development is proposed. The No Project Alternative would not meet any of the objectives of the proposed project. In the short term, the No Project Alternative would be environmentally superior, but future development of the site may not make it environmentally superior to the project.

### **Relocation to Appropriate Historical Context Alternative**

The structure would be relocated to an appropriate historical context and rehabilitated to the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. This alternative would meet the project objectives of creating a development site in the Downtown and

**APPENDIX B: NOTICE OF PREPARATION (NOP)**  
**AND RESPONSES TO THE NOP**

E11238

**NOTICE OF PREPARATION  
OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE  
126 VIOLA AVENUE DEMOLITION PROJECT  
SPECIAL USE PERMIT**

PROJECT APPLICANT: City of San Jose Redevelopment Agency  
FILE NO: RSP03-004  
APN: 264-28-022, -153

As the Lead Agency, the City of San Jose will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are attached.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San Jose  
Attn: Teresa Estrada  
City Hall Annex, Room 400  
801 North First Street  
San Jose, CA 95110-1795  
Phone: (408) 277-8533

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

*Ron Eddow*

Deputy

*November 18, 2003*

Date:

**NOTICE OF PREPARATION  
OF A  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR)  
FOR THE  
126 VIOLA AVENUE DEMOLITION PROJECT  
SPECIAL USE PERMIT (RSP03-004)**

**E11238**

November, 2003

***Introduction***

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project. The City of San Jose proposes to prepare a Supplemental EIR (SEIR), based on the 1992 Downtown Strategy Plan 2010 EIR and the 1999 San Jose Downtown Strategy Plan Final Supplemental EIR.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; (d) effects found not to be significant; and (e) cumulative impacts.

***Project Location***

The proposed project is located at an existing surface parking lot on two parcels on the west side of Almaden Boulevard, approximately 210 feet northerly of Woz Way in the City of San Jose, California, as shown in Figures 1 and 2. The 0.38 gross acre site is currently occupied by a single family residential structure that was moved to the project site from its original location at 126 Viola Avenue (APN 264-30-027) approximately 800 feet to the northeast in October 2002 to clear the site south of the San Jose Convention Center. Existing land uses adjacent to the project site include office buildings to the north and east across Almaden Boulevard, offices and single family detached residential uses to the south, and the Guadalupe River to the west.

### ***Project Description***

The proposed project is a Special Use Permit (RSP03-004) to allow the demolition of an existing single-family residential structure and the disposal of the residual materials. Demolition of the structure would facilitate the construction of an approved office complex consisting of three buildings totally approximately 860,000 square feet. The subject structure to be demolished is listed as a Structure of Merit on the City of San Jose Historic Resources Inventory. It appears to be eligible for the California Register of Historic Resources. It is anticipated that the entire demolition and removal will take one working day. The City of San Jose Redevelopment Agency has allowed the local historic community the opportunity to identify and collect salvageable items and artifacts from the subject structures within the Viola neighborhood that were subsequently demolished as part of the clearance of the sites south of the San Jose Convention Center. Consequently, the structure is proposed for demolition and the material will be recycled in accordance with City of San Jose regulations regarding demolition and recycling.

### ***Potential Environmental Impacts of the Project***

The SEIR will identify the significant environmental effects anticipated to result from development of the project as proposed. The SEIR will include at least the following specific environmental categories as related to the proposed project:

#### ***1 Air Quality***

The SEIR will include a project-specific air quality analysis that will address both local and regional air quality impacts associated with the project. The air quality discussion will address short-term air quality impacts associated with demolition, and will identify appropriate mitigation for demolition impacts, if necessary.

#### ***2. Noise***

A noise analysis will identify the existing setting and the potential noise levels associated with the project. The SEIR will address potential noise impacts to the adjacent land uses from the project. Conformance with City of San Jose noise guidelines will be discussed. Mitigation for potentially significant impacts will be identified, if necessary.

#### ***3. Hazardous Materials***

The SEIR will address the existing conditions on and adjacent to the project site and regarding the subject structure, including the potential for contamination by hazardous materials. Mitigation for potentially significant impacts will be included, if necessary.

#### ***4. Historic Resources and Cultural Resources***

The SEIR will include a discussion of historic and cultural resources, including a Historic Report and Cultural Resources Assessment, and will identify the potential for historic and cultural resources to be impacted by the project. The SEIR will identify appropriate mitigation, if necessary.

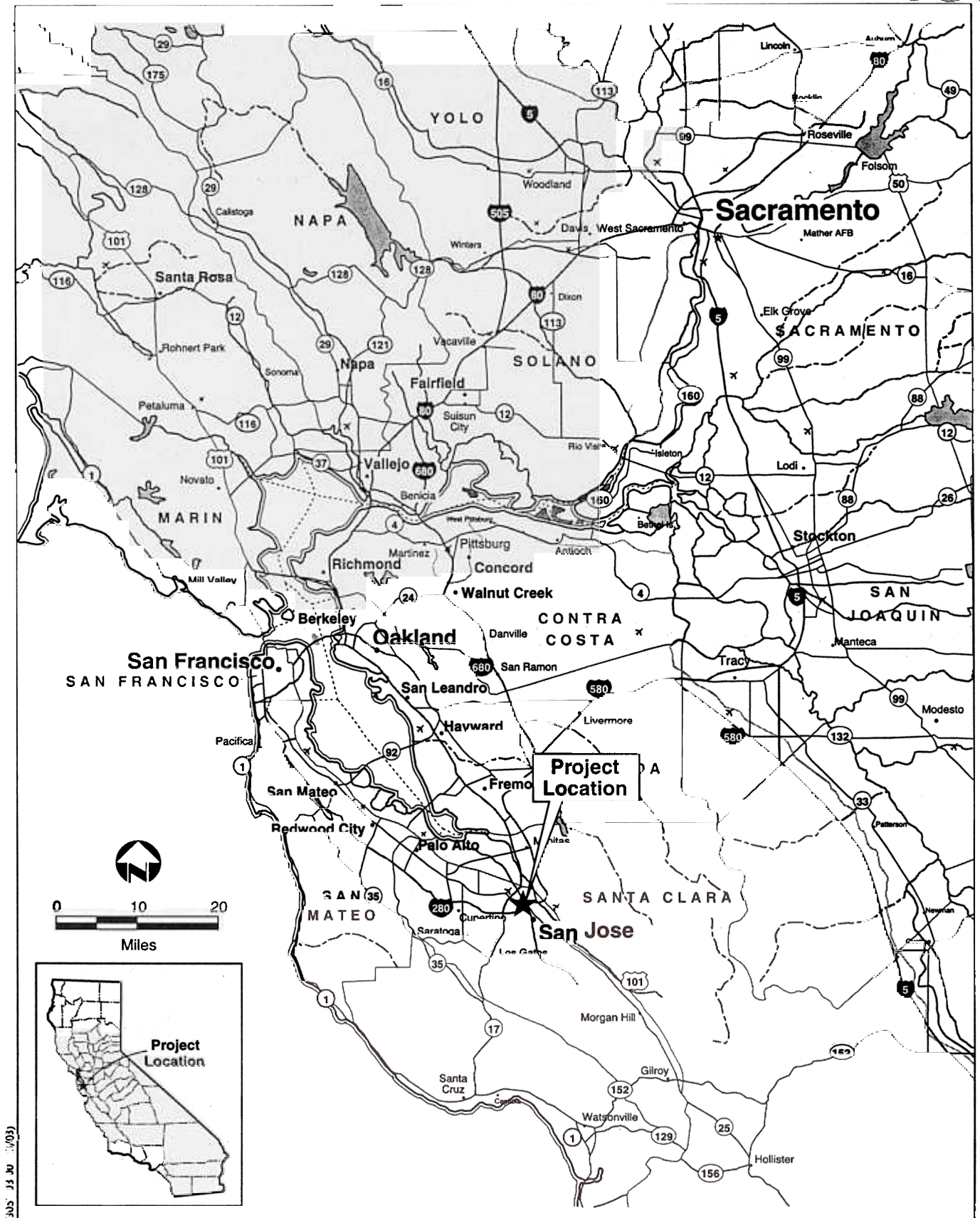
5. *Alternatives*

The SEIR will examine alternatives to the proposed project including a "No Project" alternative. The alternatives considered will also include at least two alternative land uses, including a building relocation and rehabilitation alternative. Any alternatives considered will be based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving the objective of removing the structure from the subject site and facilitating the approved development of three office buildings on the project site.

6. *Cumulative Impacts*

The SEIR will include a Cumulative Impacts section which will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the area. The analysis will include a discussion of all projects for which applications are pending. Cumulative impacts identified in the 1992 FEIR for the Downtown Strategy Plan 2010 included transportation, air quality, public facilities and services, archaeological and cultural resources, and biotic resources. The SEIR will cover all these subject areas discussed in the FEIR and will specify which of the areas are anticipated to experience significant cumulative impacts.





3305 JS 30 (1/03)

Figure 1  
Project Region

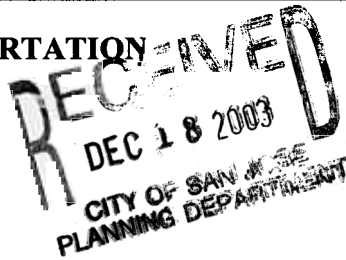
Figure 2  
Project Vicinity



(S/N/S) 100 50' 100'

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5505  
FAX (510) 286-5513  
TTY (800) 735-2929



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December 16, 2003

SCL-280-R2.52  
SCL280325  
SCH 2003112098

Ms. Teresa Estrada  
City of San Jose Redevelopment Agency  
801 North First Street, Room 400  
San Jose, CA 95110-1795

Dear Ms. Estrada:

**126 Viola Avenue Demolition Project Special Use Permit RSP03-004 – Notice of Preparation (NOP)**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have examined the above-referenced document and our comments are as follows:

- A Traffic Impact Study (TIS) should be prepared to assess the project's impacts to the intersection of State Route 82 (SR-82) and Park Avenue, the interchange of State Route 87 (SR-87) / Park Avenue, and the junctions of Interstate 280 (I-880) with SR-82 and SR-87. The "Guide for the Preparation of Traffic Impact Studies" can be found at: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystmes/reports/tisguide.pdf>, and can be used as reference.

The TIS should incorporate the following scenarios:

- Existing conditions without the project
- Existing conditions plus the project
- Cumulative conditions (without the project)
- Cumulative conditions (with project build-out)

The TIS should also include a discussion of transit access and proposed rider-ship. Justification for transit credits should be supported with study documentation.

The TIS should provide a Level of Service (LOS) analysis for freeways, ramps, and ramp terminal intersections. A merge/diverge analysis should be performed for freeway and ramp junctions and all analysis should be based on AM and PM peak hour volumes. The analysis should include the (individual, not averaged) LOS and traffic volumes applicable to all intersection road approaches and turn movements. The procedures contained in the 1997 update to the Highway Capacity Manual along with the Guide for the Preparation of Traffic Impact Studies should be used as a guide for the TIS.

Mitigation measures should be identified where the project would have a significant impact. The Department considers the following to be significant impacts:

Off-ramps with vehicle queues that extend into the ramp's deceleration area or onto the freeway.  
Vehicle queues at the intersections that exceed existing lane storage.

Project traffic impacts that cause any ramp's merge/diverge Level of Service (LOS) to be worse than the freeway's LOS.

Project impacts that cause the freeway or intersection LOS to deteriorate beyond LOS E for freeway and LOS D for highway and intersections. If the LOS is already "E" or "F", then a quantitative measure of increased queue lengths and delay should be used to determine appropriate mitigation measures.

The analysis of the future traffic impacts should be based on a 20 year planning horizon

We look forward to reviewing the Draft Environmental Impact Report for this project. We expect to receive a copy from the State Clearinghouse, to expedite our review please send one digital and three hard copies in advance to:

Tom Holley  
Office of Transit and Community Planning  
Department of Transportation, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Should you require further information or have any questions regarding this letter, please call Tom Holley, of my staff at (510) 622-8706.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c: Scott Morgan (State Clearinghouse)

ISCVWD file: 29909

## Santa Clara Valley Water District

**Community Projects Review Unit, Main Building**

5750 Almaden Expressway, San Jose, CA 95118

**My Phone Number: (408) 265-2607 ext. 2439****My Fax Number: (408) 979-5635****My E-mail: [vincstep@scvwd.dst.ca.us](mailto:vincstep@scvwd.dst.ca.us)****Date:** December 4, 2003

To	Company or Agency	Fax Number
Teresa Estrada	City of San Jose Planning Dept.	1-408-277-3250

**From:** Vincent Stephens**Total Pages, including cover sheet:****Subject:** NOP of a DEIR for 126 Viola Avenue Demolition Project Special Use Permit, City File: RSP03-004**Message :**

The Santa Clara Valley Water District (SCVWD) has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the subject project which we received on November 21, 2003.

The site is currently subject to flooding from the Guadalupe River during a 100-year flood event. The depth of inundation as identified in the Federal Insurance Rate Map (FIRM) panel 25 is approximately 1 to 2 feet deep. The District is constructing the downtown and lower Guadalupe River flood protection projects which are scheduled for completion in December 2004. These capital improvement projects should mitigate flooding on the site once the flood protection project has been completed. However, until the flood plain map has been updated by the Federal Emergency Management Agency, the site would remain in the flood plain map.

Thank you for providing a copy of the NOP to the District for the review and comment. Please provide a copy of the DEIR when it is available for public distribution.

If you have any questions or need clarification please feel free to contact me at (408) 265-2607, extension 2439.

Sincerely,

Vincent Stephens

Associate Engineer

Community Projects Review Unit

**Headquarters/Mailing Address, 5750 Almaden Expressway, San Jose, CA 95118, (408) 265-2600**